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ACORN CAPITAL GROUP LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ACORN CAPITAL GROUP LLC,	)	Case No. C 06 1674 JSW
	)	
Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER FOR CONTINUING CERTAIN</b>
vs.	)	<b>PRETRIAL DATES</b>
	)	
WEDBUSH MORGAN SECURITIES and	)	
MAX SAFDIE,	)	
	)	
Defendants.	)	
	)	
	)	
AND RELATED CROSS-COMPLAINTS	)	
	)	

1  
2 **I. INTRODUCTION**

3 On November 7, 2007 the parties submitted their most recent and  
4 [Proposed] Order for Continuing Certain Pretrial Dates. On November 8, 2007, the  
5 Court issued an Order setting forth the following dates:

6	Trial Date:	<b>July 21, 2008 at 8:30 a.m.</b>
7	Pretrial Conference:	<b>June 30, 2008 at 8:30 a.m.</b>
8	Last Day to Hear Dispositive Motions:	<b>April 25, 2008 at 9:00 a.m.</b>
9	Last Day for Expert Discovery:	<b>February 22, 2008</b>
10	Close of Non-Expert Discovery:	<b>January 15, 2008</b>
11		

12  
13 On October 26, 2007 and November 16, 2007, the parties participated in  
14 settlement conferences before Magistrate Judge Elizabeth D. Laporte. At the conclusion  
15 of the November 16, 2007 settlement conference, the parties agreed to continue their  
16 settlement discussions and to postpone formal discovery while they explored settlement.  
17 From November 16, 2007 until January 4, 2008 the parties engaged in extensive  
18 negotiations, both directly through counsel and with the assistance of Judge Laporte.  
19 Despite these diligent efforts, the parties have recently concluded that it is very unlikely  
20 that they will reach a settlement. Accordingly, in order to prepare for trial, the parties  
21 will need to resume limited formal discovery.

22 Discovery in this matter is nearly complete. The parties have: (1) deposed  
23 most of the Acorn-affiliated percipient witnesses; (2) conducted the first portion of Max  
24 and Edward Safdie's depositions; and (3) cooperated regarding the scheduling of the  
25 depositions of the remaining percipient witnesses including Wedbush's 30 (b)(6) witness  
26 and Jeffrey Brandon (a former Wedbush manager). The parties have also propounded  
27 and responded to written discovery requests. Acorn and Wedbush are working  
28 productively with one another to ensure that discovery is concluded as soon as possible.

1 Accordingly, the parties have entered into the following stipulation, and  
2 respectfully request that the Court execute this Proposed Order based on that  
3 stipulation.  
4

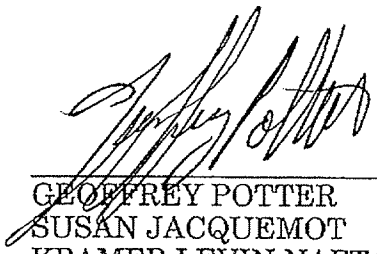
5 **II. STIPULATION**

6 The parties, by and through their attorneys of record herein, submit their  
7 Stipulation and Proposed Order Continuing Certain Pretrial Dates as follows:

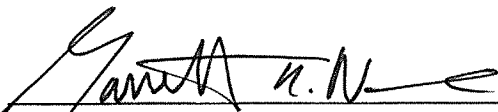
- 8 1. The deadline to complete non-expert discovery may be  
9 continued from 1/05/08 to 3/17/08;
- 10 2. The deadline to complete expert discovery may be continued  
11 from 2/22/08 to 4/24/08 (with expert disclosures due by  
12 4/10/08); and
- 13 3. The deadline to hear dispositive motions may be continued  
14 from 4/25/08 at 9:00 a.m. to 6/24/08 at 9:00 a.m.
- 15 4. In the event the Court elects to move the trial date from its  
16 current commencement date of July 21, 2008, the parties  
17 respectfully request that the Court set the first date for one  
18 the following days: (a) September 8, 2008, (b) September 15,  
19 2008, (c) October 20, 2008, (d) November 3, 2008, or (e)  
20 November 10, 2008.

21  
22 IT IS SO STIPULATED.


23  
24 DATED: January 11, 2008

  
\_\_\_\_\_  
GEOFFREY POTTER  
SUSAN JACQUEMOT  
KRAMER LEVIN NAFTALIS & FRANKEL  
LLP  
Attorneys for Plaintiff  
ACORN CAPITAL GROUP LLC

1 DATED: January 11, 2008

  
CAMERON STOUT  
GARRETT R. WYNNE  
KEESAL, YOUNG & LOGAN  
Attorneys for Defendant and Cross-  
Complainant  
WEDBUSH MORGAN SECURITIES INC.

7 DATED: January 10, 2008

  
MAX SAFDIE, *IN PRO PER*

**ORDER**

Based on the stipulation of the parties and good cause appearing, the Court hereby vacates certain of the previously-set pretrial dates and amends the Court's Scheduling Order as follows:

1. The deadline to complete non-expert discovery may be continued from 1/15/08 to 3/17/08;
2. The deadline to complete expert discovery may be continued from 2/22/08 to <sup>3/21/08</sup>~~4/24/08~~ (with expert disclosures due by 2/08/08); and
3. The deadline to hear dispositive motions may be continued from 4/01/08 at 9:00 a.m. to <sup>5/9/08</sup>~~6/24/08~~ at 9:00 a.m.
4. The pretrial conference is continued to 8/4/08 at 2:00 p.m. and the trial is continued to 9/8/08 at 8:30 a.m.

Dated: January 14, 2008

  
HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE